IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15824 of 2006

Date of Decision : 29.9.2006

Onkar Singh and others ..Petitioners

Versus

State of Punjab and others. ...Respondents

CORAM : Hon'ble Mr. Justice J.S.Khehar,
Hon'ble Mr. Justice S.D. Anand.

Present : Mr. Rajinder Sharma, Advocate,
for the petitioners.

J.S. Khehar, J. (Oral)

The petitioners applied for the post of Constable (Operators/Messengers) and Constable (Technicians) in the Punjab Police Telecommunication Branch through advertisement (Annexure P/1). The application forms submitted by the petitioners were accepted, and the petitioners were permitted to participate in the physical test. The petitioners duly qualified the aforesaid test, whereupon, they were invited to appear in the interview. The petitioners are stated to have even qualified the written test, and had submitted their claim for being invited for interview. It is at this stage, that the application forms submitted by the petitioners for appointment against the posts, referred to herein above, were rejected, and the petitioners were not allowed to appear in the interview, on account of the fact, that the petitioners did not fulfil the eligibility conditions, depicted in the advertisement for appointment against the posts, referred to herein above.

The only question to be determined is, as to whether the

petitioners fulfil the educational qualifications, stipulated in Annexure P/1. The relevant portion of the advertisement depicting educational qualification for the posts for which the petitioners had submitted their application forms is being extracted hereunder:-

> "(A) FOR OPERATORS/MESSENGERS:- Two Years I.T.I. Course or equivalent or one year course with one year experience from an organisation. Such course are to be recognised by Craftman Training Scheme/Apprenticeship Training Scheme under Punjab State Technical Education Board/Technical Education Department, Punjab/Information Technology Department, Punjab A.T.I. /E.P.I /C.T.I./ N.B.T.I/ R.B.T.I. /M.I.T.I. / M.T.I. /C.S.T.R.I should be opted in accordance with syllabus approved by Government of India/National Council for Vocational Training, Computer Software, Computer Operator/Programming Assistant. Diploma Subject in D.O.E.A.C.C. Cadre (R.C.C.), D.O.E. A.C.C.O. "O" Level Course, Computer Application, Software Programming Desk Top Publishing Operator, Certificate in Computer Application.
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> (B) TECHNICIAN:- Two Years I.T.I. Course or its equivalent or one year concerned course with one year experience, such courses are approved by Punjab State Technical Education Board/Technical Education Department, Punjab/Information Technology Department, Punjab, A.T.I / E.P.I / C.T.I. / N.B.T.I / R.B.T.I / M.T.I / F.T.I / C.F.T.R.I under Craftman Training Scheme/Apprenticeship Training Scheme &

Electronics, Computer Hardware, Electrical Communication, Mechanic Radio & T.V. Wireless Mechanic cum operator, Electronic Communication System, Electronic Mechanic, I.T.I and Electronic Systems Maintenance, Medical Electronic, Mechanic Computer Hardware, Mechanic Consumer Electronics, Mechanic Electronic or Mechanical Industrial Electronics or Operator advanced Machine Tools and Network Telecommunication Disciplines/Subjects approved by National Council for Vocational Training/Government of India."

During the course of hearing, learned counsel for the petitioners invited our attention to Annexures P/7 to P/9, in order to substantiate their claim, that they had acquired one year certificate course from the Red Cross Computer Centre, Amritsar, and had also acquired one years' experience thereafter, and therefore, they must be considered as eligible for appointment against the posts advertised.

Having minutely perused the eligibility conditions, qua educational qualifications, depicted in the advertisement, we are of the view, that for a candidate, who has acquired a one year course as has been indicated in the advertisement, must further substantiate, that the course which he has acquired has been recognized by one of the prescribed authorities and should contain the course content prescribed by one of the prescribed agencies. Insofar as the aforesaid aspect of the matter is concerned, it is the submission of the learned counsel for the petitioners, that all the petitioners have acquired the one year course from the Red Cross Computer Centre, Amritsar, which must be considered to be run by the State Government itself as the Deputy Commissioner, Amritsar is the President of

the Red Cross Computer Centre, Amritsar. It is not essential for us to opine on this aspect of the matter insofar as the present controversy is concerned.

There is, however, another aspect of the matter, namely, that for those who had acquired the one year course depicted in the advertisement, they must also substantiate, that the course attended by them had the same syllabus, which has been stipulated for the post of Computer Operator/Programming Assistant by the Government of India/National Council for Vocational Training. It is this aspect of the matter which has not been substantiated in the instant writ petition. Learned counsel for the petitioners states, that the issue is complicated, and it is not possible for him to place any material on the record of this case to show that the course attended by the petitioners, was the same as has been prescribed and approved by the Government of India/National Council for Vocational Training. He, however, states, that the course attended must be deemed to be equivalent on account of the fact, that candidates who had acquired the same qualification as the petitioners, were appointed against the same posts in previous years. It is not possible for us to accept the instant contention of the learned counsel for the petitioners, merely because a wrong is committed on an earlier occasion, the same cannot be allowed to be committed again.

In view of the above, since the petitioners have not been able to establish that they possessed the prescribed qualification for appointment against the post under reference, we find no merit in this petition and the same is accordingly dismissed.

(J.S. Khehar)
Judge

September 29, 2006
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(S.D. Anand)
Judge